

1 a much different thing than having an operation pursuant to
2 which marijuana is distributed throughout the state or other
3 states. And for that reason, I think this is very relevant.

4 JUDGE SIPPEL: Well, I agree that the scope of his
5 involvement with -- let me say the movement of marijuana is
6 relevant. The illegal distribution of marijuana could run, I
7 guess, to what the Medellin cartel does to what somebody does
8 in their own home for their own purposes and I think that --
9 I'm convinced, I don't think, I'm convinced that this evidence
10 is relevant for purposes of focusing on precisely what the
11 nature of the activity was underlying the violation, not for
12 purposes of -- not for purposes of relitigating the conviction
13 -- that's in -- but for purposes of determining what the
14 nature of the activities were.

15 MR. ZAUNER: Your Honor, if we have to determine the
16 nature of the activities, we're into relitigating the
17 conviction under 84 --

18 JUDGE SIPPEL: No, we're not.

19 MR. ZAUNER: -- 841A.

20 JUDGE SIPPEL: No, we're not. He's convicted,
21 period, end of discussion. He's convicted. That conviction
22 is going to come into the record and that's what he's trying
23 to show mitigation with respect to. But he certainly is
24 entitled to, for mitigation purposes -- and you can go down
25 the whole list of what mitigation is permitted under the very

1 Commission policy that we're here -- that we're guided by.

2 This is the policy regarding character
3 qualifications in broadcast licensing, FCC -- 5 FCC Record
4 3252, May 1990 and the mitigating factors go all the way down.
5 Willfulness of the conduct, frequency of the conduct,
6 currentness of the misconduct, seriousness of the misconduct,
7 nature of the participation. How can we get into those issues
8 without knowing what he did? And in addition to that, the
9 scope of this testimony and the scope of this evidence is not
10 extensive, considerable, confusing. It seems to me it meets
11 all the standards for coming right in.

12 MR. ZAUNER: My objection, Your Honor, maybe is the
13 more limited concept that there is not range of behavior under
14 this charge that the allegation -- I'm sorry, the section of
15 the law under which Mr. Richards was convicted makes it
16 illegal to possess with intent to manufacture, distribute, or
17 dispense a controlled substance. It makes no distinction
18 between the selling or the giving away of the marijuana. It
19 merely makes the intent to distribute the crime.

20 JUDGE SIPPEL: I mentioned the crime. I said --

21 MR. ZAUNER: Whether he sold it or did not sell it
22 or gave it away is -- does not mitigate or change the nature
23 of the crime.

24 JUDGE SIPPEL: Well, it doesn't change --

25 MR. ZAUNER: If one has a poison and one is giving

1 it away, is that any -- is that a defense as to being opposed
2 to having sold it? I don't -- that's my problem with that
3 sentence.

4 JUDGE SIPPEL: Please bear in mind, Mr. Zauner, we
5 are not here to determine whether or not the guilt or
6 innocence of Mr. Richards back in 1992 with respect to however
7 he handled marijuana. That is not an issue. He is convicted.
8 It's a slam-bang conviction. No way to weasel out of that
9 one.

10 But the Commission says that he can offer mitigation
11 and I have just ticked off some of the standards that the
12 Commission itself has adopted in the policy and if you're
13 trying to argue that this is like an absolute liability issue,
14 then the Bureau should've moved by way of summary decision way
15 back when. He's got to put something on to mitigate and what
16 he's putting on -- I -- well, I'm sorry.

17 MR. ZAUNER: I understand your ruling, Your Honor.

18 JUDGE SIPPEL: My position is as stated, yes. I
19 don't mean to sound argumentative. I've overruled the
20 objection.

21 MR. ZAUNER: Your Honor, with regard to Paragraph
22 Eight on Page Four, the last clause, "... which I estimate to
23 be worth approximately \$550,000," and I believe that's
24 referring to his ranch. May I have just a moment of voir dire
25 on that?

1 JUDGE SIPPEL: Surely.

2 VOIR DIRE

3 BY MR. ZAUNER:

4 Q Mr. Richards, what is the basis for your
5 determination that your -- the ranch that you forfeited was
6 worth approximately \$550,000?

7 A Mr. Zauner, that was based on an appraisal that was
8 done by the National Park Service in 1985 for 900 and some-
9 thousand dollars.

10 Q Is it a fact that you had sold to the Park Service
11 scenic right-of-way to the land?

12 A Yes, it was.

13 Q An easement?

14 A Scenic easement.

15 Q And you received how much money for that?

16 MR. McCARTIN: Your Honor, can I ask what the
17 purpose of --

18 MR. ZAUNER: I'm just checking --

19 JUDGE SIPPEL: You have an objection of relevancy
20 here because the only thing he's got to find to is the house
21 and the 85 --

22 MR. McCARTIN: 82.5

23 JUDGE SIPPEL: -- the 82.5 acre ranch.

24 MR. ZAUNER: Correct.

25 JUDGE SIPPEL: And you're asking questions about

1 another piece of land?

2 MR. ZAUNER: No, the same piece of land and whether
3 or not he had previously sold an easement on that piece of
4 land.

5 JUDGE SIPPEL: Well, I'm going to permit that.

6 WITNESS: Yes, I do.

7 BY MR. ZAUNER:

8 Q And how much money did you receive for that
9 easement?

10 A About \$500,000.

11 JUDGE SIPPEL: Were you able to keep that money?

12 WITNESS: Yes.

13 JUDGE SIPPEL: And what year did you sell that
14 easement?

15 WITNESS: 1985.

16 BY MR. ZAUNER:

17 Q Had you been in negotiations with the National Park
18 Service to sell your land at any point subsequent to having
19 sold the easement?

20 A Yes.

21 Q Was there a stated amount that you were negotiating
22 with the National Park Service for?

23 A Yes, there was.

24 Q And what was that amount?

25 A \$550,000.

1 Q And that was to sell the land with the easement
2 presently on it.

3 A Yes.

4 MR. ZAUNER: I have no further questions on that,
5 Your Honor and no objection.

6 JUDGE SIPPEL: No objection. You may then proceed
7 with your other objections.

8 MR. ZAUNER: With regard to Paragraph 11 on Page
9 Four, I would object to the information there concerning Mr.
10 Richards' religious belief on the grounds of the Federal Rules
11 of Evidence Rule 610 and I believe Your Honor has already
12 addressed this section of the rules of evidence.

13 MR. McCARTIN: Your Honor, if I might respond to
14 that. I believe the purpose of Federal Rules of Evidence 610
15 is to provide or make it clear that your religious affiliation
16 cannot be used to enhance or detract from your credibility.
17 The purpose of Paragraph 11 is to show that as a result of a
18 change in Mr. Richards' development, which happens to be of a
19 religious nature, he realized that the use of marijuana was
20 wrong.

21 That is directly related to rehabilitation and not
22 in any way designed to show that -- to enhance or detract from
23 his credibility. So I think just because we see the word
24 religion, it's not an automatic buzz word for deleting it from
25 this case.

1 JUDGE SIPPEL: I'm going to overrule that objection,
2 too, for basically the reasons Mr. McCartin has given. He's
3 absolutely right. 610 -- Rule 610 has to do with credibility.
4 There's not going to be any credibility assigned to this case
5 for purposes of this person's belief and let me say again --
6 and I say this with -- I don't want to show -- even there be
7 any inference of any disrespect on my part.

8 But I'm saying that if his testimony were that he
9 found that the reason that the use of marijuana was wrong,
10 because of his belief in Hinduism or whatever it might be, it
11 really is irrelevant what it was that caused him to realize
12 the wrongness of his ways. The point is that he's got
13 evidence here that he realized in the mid-80's -- he's
14 claiming to have realized in the mid-80's what he's stating
15 and he's giving the reason as to why.

16 So I only take that evidence as -- really as the --
17 if you will, as the opportunity or that which caused him to
18 suggest going in a different direction. It makes no reason
19 why he did it. So that's my ruling.

20 MR. ZAUNER: I would object to the information on
21 Paragraph 12 on Page Five on the same ground, namely Federal
22 Rules of Evidence, Rule 610.

23 JUDGE SIPPEL: Mr. McCartin?

24 MR. MCCARTIN: Your Honor, I have the same basic
25 response. This is not inserted in this statement in order to

1 enhance Mr. Richards' credibility, rather it is placed in his
2 statement in order to show that he is -- has been
3 rehabilitating himself. He has been involved in the community
4 and involved in the Gospel Businessman's Fellowship
5 International organization and the nature of which it's a
6 positive contribution to his community. It's just one of the
7 many factors which put together reflect Mr. Richards' good
8 character, his community-mindedness, and his rehabilitation.

9 JUDGE SIPPEL: Well, I'm going to sustain that
10 objection. I find it to be too broad, too speculative, and
11 there's obvious self-interest in terms of that testimony, the
12 same type of testimony as you're seeking to bring in through
13 the other 26 or 27-some-odd exhibits that you'll be offering.
14 But on this one -- it also does run the risk of creeping over
15 into the Rule 610 policy. So I'm going to sustain the
16 objection and Paragraph 12 comes out. Mr. Zauner?

17 MR. ZAUNER: Yes, Your Honor. With regard to
18 Paragraph 13 on the same page, I would object on the grounds
19 that this is really an offer -- a showing of meritoriousness
20 of the programming presented by Mr. Richards to mitigate his
21 wrong-doing and as such, it should not be received. But I
22 understand we've ruled on this before. I guess I'm just
23 pointing it out for identification purposes.

24 JUDGE SIPPEL: I'm going to continue with my ruling
25 on that and again, I -- I mean, it's something like, again, on

1 Paragraph 13. I've been around long enough to understand what
2 self-serving testimony is. The weight of this is obvious -- I
3 mean, that's obviously a question of weight. But for purposes
4 of how I've ruled previously, to be consistent, I'm going to
5 receive Paragraph 13. So your objection is overruled. That's
6 it then. Oh, no. We're over on Attachment One.

7 MR. ZAUNER: Your Honor, with regard to Attachment
8 One, I would object on the grounds of relevancy. But I
9 understand Your Honor has already, in effect, ruled on this,
10 so I'd just point this out for purposes of identification.

11 JUDGE SIPPEL: All right. And I -- you know, again
12 for the same reasons, I'm overruling the objection and I will
13 -- as I say, I will certainly consider the authorities that
14 you've cited to me over lunch and if I need to revisit this
15 when we come back, I will.

16 MR. ZAUNER: Could we have one moment, Your Honor?

17 JUDGE SIPPEL: Let's go off the record for just a
18 minute.

19 (Off the record.)

20 (On the record.)

21 JUDGE SIPPEL: The witness is now on the stand. Do
22 you want to tender the witness at this time for cross
23 examination or would you rather bring in other evidence first?

24 MR. McCARTIN: Your Honor, I guess I first would
25 like to, these objections having been raised and ruled on, to

1 offer the exhibit into evidence. I'm not sure if that's been
2 done. Has it been received?

3 JUDGE SIPPEL: That's a good point. No, it has not
4 been. The objections have been noted. The Richards Exhibit
5 Number 1 for identification is now received in evidence along
6 with its Attachment One.

7 (Whereupon, the document referred to
8 as Richards Exhibit Number 1 was
9 received into evidence.)

10 JUDGE SIPPEL: I'm going to go off the record for
11 just a minute.

12 (Off the record.)

13 (On the record.)

14 JUDGE SIPPEL: Mr. Zauner, you may proceed.

15 MR. ZAUNER: Your Honor, would it be advisable for
16 the Bureau to submit its exhibits at this point in time? We
17 have three that we have exchanged. I have given copies to the
18 court reporter and those exhibits include the superceding
19 indictment, the plea agreement that Mr. Richards entered into,
20 and the judgement in the criminal case. Those three documents
21 form sort of the basis of everything that's going to be
22 happening here today and I think that they should be in the
23 record as the foundation for the examination of Mr. Richards.

24 JUDGE SIPPEL: Are you going to cross examine the
25 witness on any of these?

1 MR. ZAUNER: I'm not going to cross examine him on
2 the documents specifically, no, sir. But --

3 JUDGE SIPPEL: Because you have the -- you know, the
4 burden of proof is on him and he's still putting his case on.
5 He's up there for cross examination. If you -- you know,
6 again, if you say that as a matter of convenience, you want to
7 do it that way and the other side has no objections, I have no
8 problem with it.

9 MR. McCARTIN: I don't have any problem with you
10 proceeding to introduce those documents now or waiting until
11 later. Whichever way you want to do them.

12 MR. ZAUNER: Why don't I just introduce them and get
13 it out of the way? There's only three of them and they're
14 relatively short and --

15 JUDGE SIPPEL: I've heard that kind of a proffer
16 before.

17 MR. ZAUNER: Usually I stick to what I say.

18 JUDGE SIPPEL: No, I don't mean to say that -- I
19 didn't mean to cast any disbelief on what you're telling me.
20 But you may proceed, Mr. Zauner.

21 MR. ZAUNER: Your Honor, at this time, I'd like to
22 have marked for identification as Mass Media Bureau Exhibit
23 One a document entitled Superceding Indictment and it consists
24 of a number of counts and it is four pages in length.

25 JUDGE SIPPEL: Four pages. What is the date on that

1 superceding indictment?

2 MR. ZAUNER: The -- it bears a stamp under the words
3 "A True Bill" and "Presiding Juror" on Page Four of February
4 19, 1992.

5 JUDGE SIPPEL: I will take that then as the date
6 that it was handed down and you're moving it into evidence at
7 this -- well, let the record -- I'm sorry, ask the reporter to
8 identify that document for the record as Bureau Exhibit Number
9 1. It's identified.

10 (Whereupon, the document referred to
11 as Bureau Exhibit Number 1 was marked
12 for identification.)

13 JUDGE SIPPEL: Now, you want to move it into
14 evidence?

15 MR. ZAUNER: Yes, Your Honor. I offer Mass Media
16 Bureau Exhibit One marked for identification into evidence.

17 JUDGE SIPPEL: Any objections, Mr. McCartin?

18 MR. McCARTIN: Yes, Your Honor, there is. I would
19 like to renew what, in effect, I've already raised as an
20 objection in the context of an opposition to the Mass Media
21 Bureau's request for admissions. We do not object to the
22 admission of this document for the purposes of reflecting
23 Count One which is the count upon which Mr. Richards was
24 convicted. We do object, however, to the admission of this
25 document with respect to the remaining counts, all of which

1 | were dismissed and are therefore of no relevance to this
2 | proceeding.

3 | MR. ZAUNER: Your Honor, I disagree with that. I
4 | believe that the other counts are relevant to this proceeding.
5 | Mr. Richards has put his character into issue in this
6 | proceeding. He's claiming that he is reformed in mitigation
7 | of the charges that have been brought against him and I think
8 | it's relevant to show the full extent and nature of the
9 | charges that were presented against him in the superceding
10 | indictment.

11 | JUDGE SIPPEL: Well, supposing there was a
12 | superseding indictment and count in there that he had burned
13 | down the barn on his neighbor's farm. I mean --

14 | MR. ZAUNER: I think to the extent that that shows
15 | character qualifications, that that would be a relevant
16 | consideration.

17 | JUDGE SIPPEL: Yeah, but it's -- I mean, this is all
18 | hearsay.

19 | MR. ZAUNER: Well, it's more than hearsay, Your
20 | Honor. I mean, evidence had been presented to the Grand Jury
21 | and the Grand Jury has heard the evidence and come down with
22 | an indictment. This is not just hearsay evidence. Presumably
23 | evidence was submitted to the Grand Jury which was -- which
24 | qualified them to reach this conclusion that these issues
25 | should be added and these charges brought.

1 MR. McCARTIN: Presumably -- how can we say what was
2 -- what was done or what wasn't done in some other court and
3 what may or may not have been done in another court or another
4 proceeding is not valid evidence in this proceeding. You
5 know, this document is based on charges. It's not based on a
6 conviction. The character policy statement is concerned with
7 convictions. It's not concerned with charges and Mr. Zauner
8 can't rely upon what was presumably done or not done somewhere
9 else at some other time in an effort to present facts in this
10 proceeding.

11 JUDGE SIPPEL: Mr. Zauner?

12 MR. ZAUNER: Your Honor, may I make a suggestion
13 that perhaps you withhold ruling on this until we hear further
14 testimony from Mr. Richards on matters relating to these
15 charges?

16 MR. McCARTIN: Your Honor, if I may respond. I
17 mean, if the testimony is going to be on the same issue that
18 Mr. Zauner is raising here, then that just makes the question.
19 The issue is should this stuff be the subject of -- have
20 evidence in this proceeding and my position is clearly no.
21 Asking the questions of Mr. Richards doesn't change the issue.

22 JUDGE SIPPEL: He's objecting because this
23 information is really not relevant. I mean, I think there's
24 an issue of reliability, too, but I mean -- I'm going to
25 presume that there's regularity. I don't think that this was

1 a runaway Grand Jury or something like that. But there is a
2 presumption of regularity to the Grand Jury's proceedings
3 perhaps, but that's all it is. I mean, how many -- in what
4 way are people held to -- accountable in terms of a penalty by
5 virtue of a Grand Jury indictment? You've got to get a
6 conviction, right?

7 MR. ZAUNER: True, Your Honor.

8 JUDGE SIPPEL: I mean, that's all it is, so I mean,
9 what difference does it make what the Grand Jury indicted him
10 for in terms of whether or not he's going to have a penalty
11 assessed against him here?

12 MR. ZAUNER: The question, though, Your Honor, is
13 one of character and Mr. Richards has placed his character
14 into evidence in this proceeding. He is offering evidence to
15 show that he is of good character. If he is entitled to offer
16 evidence to show that he is of good character, I think that
17 the Bureau is entitled to show evidence in rebuttal of that,
18 that he is not of good character. Evidence that he has been
19 indicted by a Grand Jury for an assault charge or for other
20 charges, tampering with witnesses, is further evidence of his
21 lack of good character.

22 JUDGE SIPPEL: But it's -- there's no foundation
23 laid. This is not opinion evidence from somebody in the
24 community who's observed him, Number One. Number Two, he
25 certainly would have to be put in a position of being able to

1 respond, in an evidentiary way, if I let that in, which could
2 expand the scope of this hearing by -- you know, by a matter
3 of days if not weeks.

4 And I don't think -- you haven't cited to me
5 anything either on the Federal Rules of Evidence which says
6 that you can use an indictment for any purpose as evidence in
7 a case and I haven't seen a Commission precedent where the
8 Commission has done this. So I mean, I don't know what you're
9 -- I'm not convinced is what I'm saying.

10 In addition, I've got one other reason. Under 403
11 of the Rules of Evidence, which provides even for the
12 exclusion of relevant evidence if it's going to involve a
13 waste of time, confusion, prejudice, and if I let that in, I
14 would -- if I let that evidence come in and he had to be cross
15 examined on it without giving him the opportunity to come in
16 and offer evidence on the merits of those charges of the Grand
17 Jury, I would be prejudicing the rights of this witness in a
18 serious way because he stands to lose his license.

19 That's how I'm ruling on this. I'm sorry. I don't
20 mean to make this sound like a lecture, but I have all of
21 those reasons as to why I would reject this evidence under
22 these circumstances. I don't think that we have to wait for
23 this at all. I'm going to deny the motion. I'm going to deny
24 the motion to receive any of that document into evidence and
25 the reason is, is because that the one count to which Mr.

1 McCartin is not objecting is exactly the same finding that is
2 incorporated into the judgement. Isn't that correct?

3 MR. McCARTIN: It is, Your Honor.

4 MR. ZAUNER: Yes, Your Honor.

5 JUDGE SIPPEL: All right. Then we don't need this
6 piece of paper called Superceding Indictment in my judgement.
7 I mean, that is my ruling. You know, with all due respect to
8 your arguments, that's how I see the issue. So I'm rejecting
9 the Bureau's Exhibit 1 in its entirety.

10 (Whereupon, the document referred to
11 as Bureau Exhibit Number 1 was
12 rejected.)

13 MR. ZAUNER: Your Honor, at this time, I would like
14 to have marked for identification as Mass Media Bureau Exhibit
15 Two a seven-page document entitled Plea Agreement. The date
16 on that is -- this agreement is dated May 4, 1992 on the last
17 page and it bears the signature on the next to last page of
18 Richard Richards and that signature is also dated May 4, 1992
19 and it also has the defense attorney's approval, also dated on
20 -- well, I can't read the date on it, but it's also dated in
21 '92 -- May '92.

22 JUDGE SIPPEL: All right. It's identified then as
23 the Bureau's Exhibit Number 2 and the reporter will mark that
24 for identification.

25 (Whereupon, the document referred to

1 as Bureau Exhibit Number 2 was marked
2 for identification.)

3 JUDGE SIPPEL: And are you ready to move that into
4 evidence?

5 MR. ZAUNER: Yes, Your Honor. I offer Mass Media
6 Bureau Exhibit Two into evidence.

7 JUDGE SIPPEL: Objections?

8 MR. MCCARTIN: No objection, Your Honor.

9 JUDGE SIPPEL: It's received into evidence as the
10 Bureau's Exhibit Number 2.

11 (Whereupon, the document referred
12 to as Bureau Exhibit Number 2 was
13 received into evidence.)

14 MR. ZAUNER: Your Honor, at this time, I'd like to
15 have marked for identification as Mass Media Bureau Exhibit
16 Three, a two-page document entitled Judgement in a Criminal
17 Case and it bears the date July 31, 1992 and the signature of
18 William D. Browning, U.S. District Judge on the second page.

19 JUDGE SIPPEL: That document will be marked for
20 identification at this time as the Bureau's Exhibit Number 3.

21 (Whereupon, the document referred to
22 as Bureau Exhibit Number 3 was marked
23 for identification.)

24 JUDGE SIPPEL: Are you ready to move that into
25 evidence?

1 MR. ZAUNER: Yes, Your Honor. I move Exhibit Three
2 into evidence.

3 JUDGE SIPPEL: Any objection?

4 MR. McCARTIN: No objection, Your Honor.

5 JUDGE SIPPEL: Three is received into evidence at
6 this time.

7 (Whereupon, the document referred
8 to as Bureau Exhibit Number 3
9 was received into evidence.)

10 JUDGE SIPPEL: All right, Mr. Zauner. You may
11 proceed with your cross examination.

12 MR. ZAUNER: Thank you, Your Honor.

13 CROSS EXAMINATION

14 BY MR. ZAUNER:

15 Q Mr. Richards, did you own a ranch in Arizona?

16 A Yes.

17 Q And what was the name of that ranch?

18 MR. McCARTIN: Excuse me. For clarification
19 purposes, what time frame are we talking about?

20 MR. ZAUNER: Past tense. I asked him did you own --
21 we will get to that.

22 BY MR. ZAUNER:

23 Q Was that ranch called the Montezuma Ranch?

24 A Yes, it was.

25 Q When did you own that ranch? From what period of

1 time, from when to when?

2 A I believe the ranch was in my name from the period
3 of 1985 until 1992.

4 Q And how large a ranch was that in terms of acres?

5 A From 1985 to 1992, the size was 82 1/2 acres.

6 Q And with regard to the Mexican border, where was
7 that ranch located?

8 A Approximately three-quarters of a mile to the north
9 of the Mexican-American border.

10 Q Was that ranch also known as Sunrise Farms, Inc. --

11 A No.

12 Q -- or was that a separate enterprise?

13 A That was my business name.

14 Q Did you grow commodities on the ranch?

15 A Yes, I did.

16 Q And what commodities did you grow?

17 A I grew apples, peaches, pears, plums, nectarines,
18 grapes, garlic, sweet potatoes, winter and summer squash, and
19 carrots.

20 Q Was there a building located on the ranch?

21 A Numerous buildings.

22 Q Was one of them a residence of yours?

23 A Yes.

24 Q Did you occupy this residence --

25 A Yes.

1 Q -- at any time?

2 A Yes, I did.

3 Q From when to when did you occupy this residence?

4 A From 1985 to 1992.

5 Q Did there come a time when you were arrested for the
6 cultivating of marijuana on the ranch property?

7 A I believe I was charged with that, but I was
8 arrested for domestic violence.

9 Q Where were you at the time you were arrested?

10 A I was outside the home in the driveway on the ranch.

11 Q At the time you were arrested, did the police have a
12 search warrant?

13 A No.

14 Q Did they subsequently obtain a search warrant?

15 A Yes.

16 Q Do you know whether they searched your home?

17 A Prior to the search warrant?

18 Q No, after they received the search warrant. I'm
19 sorry.

20 A Yes, they did. I assume. I was not there.

21 JUDGE SIPPEL: What was the date of that arrest?
22 Can you establish that as best you can?

23 WITNESS: It was July 25, 1991.

24 BY MR. ZAUNER:

25 Q At the time the police searched the ranch, did you

1 have a number of scales for weighing things on your -- in your
2 home?

3 A Yes. Approximately 18 scales.

4 Q Did you have any of these scales located upstairs in
5 your bedroom area?

6 A The upstairs was not a livable area, but I did have
7 approximately eight or ten scales stored upstairs.

8 Q Did you have a heat sealer at your home?

9 A Yes, I did.

10 Q Could you tell us what a heat sealer is?

11 A A heat sealer is an instrument to seal different
12 items that you may want to seal in plastic.

13 Q Did you have an Ohaus triple beam scale in your
14 home?

15 A Yes, I did.

16 Q What is Ohaus? Am I pronouncing it correct?

17 A I think so, yes. It's a brand name of a scale.

18 Q And what is a triple-beam scale?

19 A It's a scale designed to, as close as possible,
20 measure the weights of something very light-weight or very
21 exactly.

22 Q Can you measure quantities of weight as low as a
23 gram with a triple beam scale?

24 A Well, I would think pretty close to that, yes.
25 That's not much, a gram, so it's hard to --

1 Q At the time, did you have pagers? Do you know what
2 I'm referring to by the word pager?

3 A Yes, I do. Did I own pagers?

4 Q Yes, sir.

5 A No, sir.

6 Q Did you have any pagers in your home?

7 A No, sir.

8 Q Do you have any knowledge of who may have owned a
9 Front Page pager, No. 322-1237?

10 A I'm not familiar with the brand name or the numbers
11 on it, but I am aware of a pager, yes.

12 Q And there was, in fact, a pager then in your home.
13 Is that correct?

14 A No, the pager was in a vehicle.

15 Q Was the vehicle owned by you?

16 A Yes, it was.

17 Q Was it your pager?

18 A No, it was not.

19 Q Whose pager was it?

20 A Terrence Clemmons.

21 Q Is Terrence Clemmons a relative of yours?

22 A Yes, he is.

23 Q Did you have another pager in a vehicle?

24 A There was an additional pager belonging to the
25 salesman of the pager company from Tucson.

1 Q Did you have any cellular telephones?

2 MR. McCARTIN: Excuse me, Your Honor. I would just
3 like to clarify that these questions are all directed to the
4 time frame of his arrest. Is that right?

5 MR. ZAUNER: That is correct. This is at the time
6 of the arrest that we're talking about.

7 BY MR. ZAUNER:

8 Q Has that been your understanding, Mr. Richards?

9 A Yes.

10 Q At the time of your arrest, did you have any mobile
11 telephones that you owned?

12 A I personally did not own them, no.

13 Q Was there a mobile telephone that you had access to
14 that was in Clemmons' name?

15 A Yes.

16 Q Was there another one in the name of Linda Sorenson?

17 A Yes.

18 Q Who paid the bills for those mobile telephones?

19 A I paid the bills for the calls that I made.

20 Q Did you arrange for Sorenson's mobile telephone?

21 What I'm saying is did you arrange for activation of the
22 Sorenson mobile telephone service?

23 A No. She made arrangements.

24 JUDGE SIPPEL: Who's the "she" you're referring to?

25 WITNESS: Linda Sorenson.

1 BY MR. ZAUNER:

2 Q Did she purchase the mobile telephone or did you?

3 A She purchased the mobile telephone.

4 JUDGE SIPPEL: Who is Linda Sorenson?

5 WITNESS: Linda Sorenson was a girlfriend residing
6 on the ranch.

7 JUDGE SIPPEL: Your girlfriend?

8 WITNESS: Yes.

9 BY MR. ZAUNER:

10 Q At the time of your arrest, was there marijuana
11 plants growing on your property on the ranch?

12 A Yes.

13 Q Do you know how many?

14 A I have been told there was two.

15 Q At the time of your arrest, were there marijuana
16 plants growing on Park land which bordered on your property?

17 A Yes.

18 Q Do you know how many?

19 A Between 34 and 37 plants, I believe, is what was
20 recovered.

21 Q Were you responsible for the cultivation of the
22 plants that were growing on the Park Land Service which --
23 Park land area which bordered on your ranch?

24 A Yes, I was.

25 JUDGE SIPPEL: Was that the -- was that Park land --